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February 17, 1993

BY HAND DELIVERY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Stop Code 1170
Washington, D.C. 20554

Attention: Mass Media Bureau/Allocations Branch

Re: Petition to Amend TV Table of Allotments and
Waiver Request

Dear Ms. Searcy:

Enclosed for filing on behalf of Communications Properties, Inc. pursuant to Section 1.420(e) of the Commission's Rules are the original and four copies of a petition to amend the television table of allotments (Section 73.606(b) of the Rules) and associated waiver request.

Questions or correspondence with respect to this matter should be directed to the undersigned.

Very truly yours,

Margaret L. Tobey
Margaret L. Tobey

Enclosures

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COMMUNICATION PROPERTIES, INC.

Birger J. Brinck-Lund
President February 8, 1993

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RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 8, 1993

Secretary
Mass Media Bureau
Federal Communication Commission
Washington, DC

**Petition to Amend the Table of Allotments (73.606b)
Move Channel 40
from Portland, OR to Beaverton, OR**

Communication Properties, Inc. (CPI) requests that the FCC amend the Table of Allotments, FCC Rule 73.606b, to move the allocation of Channel 40 (626-632 MHz) from Portland, OR to Beaverton, OR, a distance of approximately 10 kilometers. This allocation is currently vacant by reason of cancellation of a long standing construction permit. Beaverton, OR is a community as defined by section 307(b) of the Communications Act of 1934. Channel 40 can be allocated to Beaverton in full compliance with current FCC Rules. CPI will apply for a construction permit in a timely manner should the FCC amend the Table of Allotments.

I. Waiver of Freeze

The Commission has imposed a temporary freeze on television allotments or applications in certain metropolitan areas pending the outcome of an inquiry into the uses of ATV in broadcasting. Beaverton is situated within one of the "freeze" zones encompassing Portland. The Commission has indicated that it will consider applications on a case-by-case basis that provide compelling reasons why the freeze should not apply in a particular situation.

CPI requests a waiver of the freeze for this proposal based upon a showing that the public interest will be served by this action: CPI would create the first local television service for Beaverton. In addition the allocation conditions for the Portland metropolitan area, including ATV allocations, are not likely to be impacted by this proposal.

February 8, 1993

The proposed allocation change would not obligate the Commission to allow future operation on Channel 40. Any applicant for Channel 40 would have to demonstrate, at the time of application for construction permit, compelling reasons that the freeze should not apply to their particular situation. Therefore, a waiver of the freeze is warranted.

CPI further believes that the FCC will find that there will be compelling reasons to allow eventual operation on Channel 40 and that an applicant will be granted a waiver of the freeze.

II. First Local Service

Beaverton is an incorporated city in Washington County, Oregon. The current population is approximately 58,800 people. The population of Washington County is 340,000. The allocation of channel 40 would be Beaverton's first local television service. Although Beaverton receives signals from stations allocated to Portland, Vancouver, and Salem, serving the greater Portland market, it could be better served in news, public affairs, and entertainment programming with its own allocation. The Commission set forth priorities in adopting the Table of Allotments. The provision of at least one to a community was listed as a high priority.

The Commission stated that allotted channels may be modified after a reasonable period, if it was in the public interest. Channel 40 remains fallow by virtue of the canceled construction permit. Records indicate that there are no applications for Channel 40 at Portland at this time. The move of Channel 40 from Portland to Beaverton will not deprive Portland of a broadcast signal. There are currently 25 radio stations and 6 television stations licensed to Portland. There are only 2 radio stations licensed to Beaverton.

III. Future ATV Allocations

CPI believes that since a construction permit had been issued prior to the freeze for Channel 40 at Portland, that it is essentially not frozen, and all of the ATV planning has been made as if Channel 40 was in operation at Portland. There is no shortage of channels available to the proposed ATV service in the Portland market (see Exhibit 1). Although the channel plan may change, it is apparent that the FCC's allotment policy of full accommodation on UHF channels can be achieved in the Portland market. Operation of Channel 40 at Beaverton will not displace a future ATV allotment.

IV. Allocation Conditions

Channel 40 can be allocated to Beaverton, OR consistent with the minimum distance separation requirements of Sections 73.610 of the Commission's Rules. An allocation study is attached as Exhibit 2.

V. Summary

CPI believes that the public interest would be served by reallocating Channel 40 from Portland to Beaverton. CPI will at the time of application for construction permit seek a wavier of the freeze and demonstrate that the public interest will be served by allowing Channel 40 to operate at Beaverton, OR.

Therefore, the Table of Allotments, FCC Rule 73.606b, should be amended as follows:

Existing:

Portland, OR	2, 6+, 8-, *10, 24+, *30, 40
--------------	------------------------------

Proposed:

Portland, OR	2, 6+, 8-, *10, 24+, *30
Beaverton, OR	40



Birger Brinck-Lund
President
Communication Properties, Inc.

cc: Margaret Tobey (Akin, Gump, Hauer & Feld, L.L.P.)

Exhibit 1

Existing Allocations and ATV Channels for Greater Portland Market

Existing NTSC Allocations

Portland, OR	2, 6+, 8-, *10, 12, 24+, *30, 40
Salem, OR	22, 32
Vancouver, WA	49

(Note: Channel *30, and 40 are currently fallow)

Draft ATV Allocations

Portland, OR	14, 27, 44, 46, 50, 52, 64, 66
Salem, OR	18, 61
Vancouver, WA	58

The Draft ATV Table specifies no ATV-ATV co-channel close assignments and only one ATV-NTSC adjacent channel for the Portland market.

Communication Properties, Inc
January 1992

Exhibit 2

TV Spacing Study

TITLE: channel 40
Channel 40 Zone II
Database: FCC 12/28/92

Latitude: 45-29-18
Longitude: 122-48-24
Safety zone: 120 km

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)

KNDU	LIC	COLUMBIA EMPIRE BROAD	25 o	661	411	46-06-11	75.2	293.9	119.9
RICHLAND	WA	BLCT-800708KE	II		713	119-07-47	257.8	174.0	CLEAR

Horizontal polarization

ALLOC			26 +			46-49-24	351.6	150.1	95.70
ROCHESTER	WA	DOC-83-473	II			123-05-42	171.4	54.35	CLEAR

Filing window Closing date: ; EFFECTIVE 8-6-84

KEBN	LIC	COMMUNICATIONS PROG.	32 o	5000	544	45-00-28	145.2	65.00	31.40
SALEM	OR	BLCT-891116KH	II	DA	1410	122-20-05	325.5	33.60	CLEAR

Horizontal polarization; DA: Bogner ODD891116KH @ 0 deg

KBGE	APP	ROBERT GILL COMM. LTD	33 +	3800	330	47-36-17	8.6	238.1	95.70
BELLEVUE	WA	BMPCT-890714KF	II	DA	367	122-19-46	189.0	142.4	CLEAR

Horizontal polarization; DA: Andrew ODD890714KF @ 0 deg

KAPP	LIC	APPLE VALLEY BROADCASTS	35 o	646	293	46-31-57	56.0	212.4	31.40
YAKIMA	WA		II		647	120-30-37	237.6	181.0	CLEAR

Horizontal polarization

KLSR-TV CP	METROCOM OF OREGON, I	36 o	42.7	211	43-14-09	189.5	253.6	31.40	
ROSEBURG	OR	BPCT-900413KH	II	DA	480	123-19-16	9.1	222.2	CLEAR

Horizontal polarization; DA: Andrew ODD900413KH @ 0 deg

ALLOC			37 o			31-18-09	149.9	1769	31.40
PUERTO PENASCO	SO		II			113-32-57	335.7	1737	CLEAR

Filing window Closing date:

ALLOC			38 o			49-23-00	12.9	445.3	31.40
HOPE	BC		II			121-26-00	193.9	413.9	CLEAR

Filing window Closing date:

ALLOC			39 o			46-34-19	18.8	127.4	87.70
MORTON	WA	DOC-83-481	II			122-16-07	199.2	39.75	CLEAR

Filing window Closing date: ; SITE RESTRICTED-EFFECTIVE 2-27-84

ALLOC			40 -			45-32-06	70.3	15.48	
PORTLAND	OR		II			122-37-12	250.4	-265	

Filing window Closing date:

ALLOC			40 o			48-25-00	352.8	328.3	280.8
VICTORIA	BC		II			123-22-00	172.4	47.52	CLEAR

Filing window Closing date:

ALLOC			41 o			43-16-00	205.8	273.2	87.70
COOS BAY	OR		II			124-16-35	24.8	185.5	CLEAR

Filing window Closing date: ; EFFECTIVE 4-09-90.

Communication Properties, Inc
January 1992

Exhibit 2

TV Spacing Study

TITLE: channel 40
Channel 40 Zone II

Latitude: 45-29-18
Longitude: 122-48-24

Call	Auth	Licensee name	Chan	ERP	HAAT-m	Latitude	BR-to	Dist.	Req.
City of License	St	FCC File No.	Zone	(kW)	HAMSL	Longitude	-from	(km)	(km)
KVEW	LIC	APPLE VALLEY BROADCAST	42 +	501	390	46-06-11	75.2	293.8	31.40
KENNEWICK	WA	BLCT-771207KJ	II		703	119-07-54	257.8	262.4	CLEAR
Horizontal polarization									

ALLOC			43 +			49-11-00	29.7	478.9	31.40
OLIVER	BC		II			119-33-00	212.1	447.5	CLEAR
Filing window Closing date:									

ALLOC			44 -			49-19-00	345.6	440.6	31.40
PARKSVILLE	BC		II			124-19-00	164.5	409.2	CLEAR
Filing window Closing date:									

KHCV	CP	NORTH PACIFIC INTERNA	45 +	5000	393	47-32-41	12.9	234.8	31.40
SEATTLE	WA	BPCT-911031KF	II	DA	517	122-06-28	193.4	203.4	CLEAR
Horizontal polarization; DA: Bogner ODD911031KF @ 0 deg									

KYVE	LIC	CENTRAL WA. ASSOC. FO	*47 o	646	280	46-31-58	56.0	212.5	95.70
YAKIMA	WA		II		637	120-30-33	237.6	116.8	CLEAR
Horizontal polarization									

ALLOC			48 o			48-50-00	346.3	383.6	31.40
LAKE COWICHAN	BC		II			124-03-00	165.4	352.2	CLEAR
Filing window Closing date:									

ALLOC			54 o			48-47-00	349.9	372.5	95.70
DUNCAN	BC		II			123-42-00	169.2	276.8	CLEAR
Filing window Closing date:									

ALLOC			55 o			49-42-00	357.0	469.0	119.9
SQUAMISH	BC		II			123-09-00	176.7	349.1	CLEAR
Filing window Closing date:									

>> End of Channel 40 Study <<